

REMARKS

Applicant has cancelled claim 13. Accordingly, claims 1-12 and 14-15 are currently pending in this application.

In the Office Action, the Examiner has withdrawn the finality of the previous Office Action. Applicant gratefully acknowledges the Examiner's kind consideration with regard to the withdrawal.

The Examiner has rejected claims 1-4, 6, 12 under 35 U.S.C. Section 102(b) as being obvious over Betts (US Patent No. 5430952). The Examiner has also rejected claims 5, 7-10 and 14-15 under 35 U.S.C. Section 103(a) as being obvious over Betts in view of Doak (US Patent No. 4760648). The Examiner has further rejected claims 11 and 13 under 35 U.S.C. Section 103(a) as being obvious over Betts in view of Doak and further in view of Potter (US Patent No. 6178655). Although all claims have been extensively amended, Applicant traverses the rejections to the extent that they apply to the claims as amended.

An important feature of the invention of claim 1 is that the tape measure casing allows for a precise cutting or marking using only a single hand. As shown, for example, in FIG. 6, the invention has an indicator window 26 (see plan view of FIG. 8a) which has an indication mark 44 positioned to be in line with measurement increments arranged on the tape measure. A marker 42 is aligned with the indication mark 44 such that a user views the measuring tape through the window 26, aligns the indication mark against a measuring increment on the tape, and then marks the object with the marker 42 by simply pressing down on the marker. Because the marker 42 is aligned with the indication mark, the user is able to make a precise mark on the object at the aligned measurement increment using only a single hand and only a single hand (see paragraphs 37 and 38 of the present specification). None of the cited references teach or suggest this novel feature.

This novel feature is recited in claim 1 as "an indicator window . . . having an indication mark positioned to be in line with measurement increments arranged on said tape measure" and "a marker . . . aligned with the indication mark in the window so as to allow marking of an object at the measurement increment that is in line with the indication mark using one and only one hand."

By contrast, the Betts reference does not have an indicator window with an indication mark that is aligned precisely with a marker. Moreover, Betts has a bore to store a

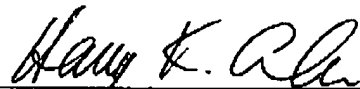
pencil in the back of the tape and the pencil has to be removed with a free hand to make a mark, making one handed precise marks impossible.

Independent claims 6, 7 and 12 have similar features as recited in claim 1. For the similar reasons as discussed above with respect to claim 1, Applicant submits that independent claims 6, 7 and 12 are also patentable. Dependent claims 2-5, 8-11 and 14-15 are also patentable by virtue of their dependency from respective independent claims.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

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Respectfully submitted,
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